IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.701 OF 2004

IN

SUIT NO.295 OF 2001

Smt.Usha wd/o.Shamlal Arya(Lund) & ors. ... Plaintiffs.

vs.

Smt.Kalavanti wd/o.Kishinchand Arya & ors. .... Defendants.

And

Ashok Asrani & others. ...Respondents.

Mr.V.T.Lulia, for Plaintiffs.

Mr.M.S.Bhandari i/b. Suman Jain, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 17th June,2005

P.C.:-

1. On a motion made by the learned Counsel for the plaintiffs, the notice of motion is permitted to be withdrawn with liberty to take out fresh notice of motion. However, because of the

conduct of the plaintiffs of taking out the Notice of Motion without filing proper documents and thus, wasting time of the Court, the plaintiffs are directed to pay Rs.2000/- as and by way of cost of this Notice of Motion to defendant no.1.

2. It is clarified that unless the amount of cost is paid, a fresh notice of motion should not be entertained.